

ENTERED

February 27, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

TABARI S STRONG,

Plaintiff,

VS.

BRAD LIVINGSTON, *et al*,

Defendants.

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CIVIL NO. 2:16-CV-131

ORDER

The Court has before it Plaintiff's Complaint (Dkt. No. 1), the Magistrate Judge's October 11, 2016, Memorandum and Recommendation ("M&R") (Dkt. No. 12), Plaintiff's objections to that M&R (Dkt. No. 14), Defendants' Motion and Supplemental Motion for Summary Judgment (Dkt. Nos. 32, 38), and the Magistrate Judge's February 1, 2018, M&R (Dkt. No. 40). The time for filing objections to the February 1, 2018, M&R has passed, and no objections have been filed. FED. R. CIV. P. 72(b) (setting 14-day deadline to file objections); *see also* Dkt. No. 40 at 32 (advising parties of the 14-day deadline).

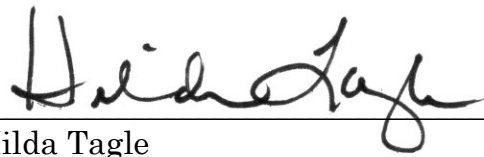
After independently reviewing the record and applicable law, the Court **ADOPTS** the Magistrate Judge's October 11, 2016, and February 1, 2018, M&Rs (Dkt. Nos. 12, 40). The Court:

- Pursuant to the October 11, 2016, M&R, **DISMISSES WITH PREJUDICE** Plaintiff's claims with the exception of: (1) Plaintiff's RLUIPA claim against Warden Matt Barber in his official capacity for injunctive relief; (2) Plaintiff's retaliation claims against Warden Matt Barber in his official capacity for injunctive relief; and (3) Plaintiff's excessive force claims against Defendants Lorenzo Diaz, Megan Gonzalez, Anthony Mackey, and Jose Fernandez in their individual capacities; and

- Pursuant to the February 1, 2018, M&R, **GRANTS** Defendants' Motion for Summary Judgment (Dkt. No. 32) and Supplemental Motion for Summary Judgment (Dkt. No. 38). The Court therefore **DISMISSES WITH PREJUDICE** the following: (1) Plaintiff's RLUIPA claims against Warden Barber in his official capacity; (2) Plaintiff's retaliation claims against Warden Barber in his official capacity; and (3) Plaintiff's excessive force claims against Defendants Fernandez, Diaz, Mackey, and Gonzalez.

All claims in this case having been dismissed, the Court will separately enter Final Judgment in accordance with Federal Rule of Civil Procedure 58.

SIGNED this 27th day of February, 2018.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', is written over a horizontal line.

Hilda Tagle
Senior United States District Judge